

REMARKS

Claims 1-23 are pending in the application. The Examiner rejected Claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over Park et al. (U.S. Patent 6,975,608) in view of Blakeney, II et al. (U.S. Patent 5,267,261) and Reynolds et al. (U.S. Patent 6,859,654).

Regarding the rejection of independent Claims 1, 13, 17, 19 and 21 under §103(a), the Examiner stated that the claims are rendered obvious over Park in view of Blakeney and Reynolds. Park et al. discloses a method for performing handoff between an asynchronous base station and a synchronous base station; Blakeney discloses a mobile station assisted soft handoff in a CDMA cellular communications system; and, Reynolds et al. discloses a method for transmitting measurement reports in a mobile communications system. Park et al. in FIGs. 6A and 6B disclose signaling between an MS, an ASYNCH BS, and a SYNCH BS. Reynolds et al. discloses using SMS messages to transmit measurement reports between BSs and MSs.

In general, each of the independent claims of the present application relate to signaling for a dual-mode terminal, a first network and a second network. The process is as follows:

- 1) the dual-mode terminal measures information from both the first and second networks;
- 2) the dual-mode terminal generates a first SMS message containing the measurement information for both the first and second network;
- 3) the dual-mode terminal transmits to the first network the first SMS message containing the measurement information for both the first and second networks;
- 4) the first network device transmits the measurement information to a second network device;
- 5) the second network device transmits channel assignment information back to the first network;
- 6) the first network device generates a second SMS message that includes the channel assignment information;
- 7) the first network device transmits the second SMS to the dual-mode terminal; and
- 8) the dual-mode terminal communicates with the second network using the assigned

channel.

As is clearly recited in the claims, the first network device communicates with the second network device. The first network device transmits measurement information to the second network device. The Examiner states that Blakeney discloses transmitting measurement information from a first network device to a second network device. Applicants respectfully disagree.

Blakeney discloses that its base station A communicates with its MTSO, and that the MTSO communicates with its base station B. Blakeney states, “The MTSO communicates with base station B relevant setup information relative to the mobile station to establish communications with the mobile station.” Measurement information is not transmitted to base station B. Park and Reynolds do not cure the defects of Blakeney.

Based on at least the foregoing, withdrawal of the rejection of independent Claims 1, 13, 17, 19 and 21 under §103(a) is respectfully requested.

Independent Claims 1, 13, 17, 19 and 21 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-12, 14-16, 18, 20 and 22-23, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-12, 14-16, 18, 20 and 22-23 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-23, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written in a cursive style.

Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant

THE FARRELL LAW FIRM
333 Earle Ovington Blvd. Suite 701
Uniondale, New York 11553
Tel: (516) 228-3565
Fax: (516) 228-8475

PJF/MJM/dr